

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NOS. 374 & 434
97TH GENERAL ASSEMBLY

0987H.10T

2013

AN ACT

To repeal sections 32.056, 43.518, 454.475, 476.057, 477.405, 478.073, 478.075, 478.077, 478.080, 478.085, 478.087, 478.090, 478.093, 478.095, 478.097, 478.100, 478.103, 478.105, 478.107, 478.110, 478.113, 478.115, 478.117, 478.120, 478.123, 478.125, 478.127, 478.130, 478.133, 478.135, 478.137, 478.140, 478.143, 478.145, 478.147, 478.150, 478.153, 478.155, 478.157, 478.160, 478.163, 478.165, 478.167, 478.170, 478.173, 478.175, 478.177, 478.180, 478.183, 478.185, 478.186, 478.320, 487.010, 487.020, 488.426, 488.2250, 488.5320, 513.430, 514.040, 544.455, 557.011, 559.036, 559.115, 632.498, and 632.505, RSMo, and to enact in lieu thereof twenty-two new sections relating to judicial procedures, with an effective date for certain sections.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 32.056, 43.518, 454.475, 476.057, 477.405, 478.073, 478.075,
2 478.077, 478.080, 478.085, 478.087, 478.090, 478.093, 478.095, 478.097, 478.100, 478.103,
3 478.105, 478.107, 478.110, 478.113, 478.115, 478.117, 478.120, 478.123, 478.125, 478.127,
4 478.130, 478.133, 478.135, 478.137, 478.140, 478.143, 478.145, 478.147, 478.150, 478.153,
5 478.155, 478.157, 478.160, 478.163, 478.165, 478.167, 478.170, 478.173, 478.175, 478.177,
6 478.180, 478.183, 478.185, 478.186, 478.320, 487.010, 487.020, 488.426, 488.2250, 488.5320,
7 513.430, 514.040, 544.455, 557.011, 559.036, 559.115, 632.498, and 632.505, RSMo, are
8 repealed and twenty-two new sections enacted in lieu thereof, to be known as sections 32.056,
9 43.518, 454.475, 476.057, 477.405, 478.008, 478.073, 478.320, 487.010, 487.020, 488.426,

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

10 488.2250, 488.5320, 513.430, 514.040, 544.455, 557.011, 559.036, 559.115, 632.498, 632.505,
11 and 1, to read as follows:

32.056. Except for uses permitted under 18 U.S.C. Section 2721(b)(1), the department
2 of revenue shall not release the home address of or any information that identifies any vehicle
3 owned or leased by any person who is a county, state or federal parole officer, a federal pretrial
4 officer, a peace officer pursuant to section 590.010, a person vested by article V, section 1 of the
5 Missouri Constitution with the judicial power of the state, a member of the federal judiciary, or
6 a member of such person's immediate family contained in the department's motor vehicle or
7 driver registration records, based on a specific request for such information from any person.
8 Any such person may notify the department of his or her status and the department shall protect
9 the confidentiality of the home address and vehicle records on such a person and his or her
10 immediate family as required by this section. [If such member of the judiciary's status changes
11 and he or she and his or her immediate family do not qualify for the exemption contained in this
12 subsection, such person shall notify the department and the department's records shall be
13 revised.] This section shall not prohibit the department from releasing information on a motor
14 registration list pursuant to section 32.055 or from releasing information on any officer who
15 holds a class A, B or C commercial driver's license pursuant to the Motor Carrier Safety
16 Improvement Act of 1999, as amended, 49 U.S.C. 31309.

43.518. 1. There is hereby established within the department of public safety a "Criminal
2 Records and Justice Information Advisory Committee" whose purpose is to:

3 (1) Recommend general policies with respect to the philosophy, concept and operational
4 principles of the Missouri criminal history record information system established by sections
5 43.500 to 43.530, in regard to the collection, processing, storage, dissemination and use of
6 criminal history record information maintained by the central repository;

7 (2) Assess the current state of electronic justice information sharing; and

8 (3) Recommend policies and strategies, including standards and technology, for
9 promoting electronic justice information sharing, and coordinating among the necessary agencies
10 and institutions; and

11 (4) Provide guidance regarding the use of any state or federal funds appropriated for
12 promoting electronic justice information sharing.

13 2. The committee shall be composed of the following officials or their designees: the
14 director of the department of public safety; the director of the department of corrections and
15 human resources; the attorney general; the director of the Missouri office of prosecution services;
16 the president of the Missouri prosecutors association; the president of the Missouri court clerks
17 association; the chief clerk of the Missouri state supreme court; the director of the state courts
18 administrator; the chairman of the state judicial record committee; the chairman of the [circuit
19 court budget] **court automation** committee; the presidents of the Missouri peace officers
20 association; the Missouri sheriffs association; the Missouri police chiefs association or their

21 successor agency; the superintendent of the Missouri highway patrol; the chiefs of police of
22 agencies in jurisdictions with over two hundred thousand population; except that, in any county
23 of the first class having a charter form of government, the chief executive of the county may
24 designate another person in place of the police chief of any countywide police force, to serve on
25 the committee; and, at the discretion of the director of public safety, as many as three other
26 representatives of other criminal justice records systems or law enforcement agencies may be
27 appointed by the director of public safety. The director of the department of public safety will
28 serve as the permanent chairman of this committee.

29 3. The committee shall meet as determined by the director but not less than semiannually
30 to perform its duties. A majority of the appointed members of the committee shall constitute a
31 quorum.

32 4. No member of the committee shall receive any state compensation for the
33 performance of duties associated with membership on this committee.

34 5. Official minutes of all committee meetings will be prepared by the director, promptly
35 distributed to all committee members, and filed by the director for a period of at least five years.

454.475. 1. Hearings provided for in this section shall be conducted pursuant to chapter
2 536 by administrative hearing officers designated by the Missouri department of social services.
3 The hearing officer shall provide the parents, the person having custody of the child, or other
4 appropriate agencies or their attorneys with notice of any proceeding in which support
5 obligations may be established or modified. The department shall not be stayed from enforcing
6 and collecting upon the administrative order during the hearing process and during any appeal
7 to the courts of this state, unless specifically enjoined by court order.

8 2. If no factual issue has been raised by the application for hearing, or the issues raised
9 have been previously litigated or do not constitute a defense to the action, the director may enter
10 an order without an evidentiary hearing, which order shall be a final decision entitled to judicial
11 review as provided in sections 536.100 to 536.140.

12 3. After full and fair hearing, the hearing officer shall make specific findings regarding
13 the liability and responsibility, if any, of the alleged responsible parent for the support of the
14 dependent child, and for repayment of accrued state debt or arrearages, and the costs of
15 collection, and shall enter an order consistent therewith. In making the determination of the
16 amount the parent shall contribute toward the future support of a dependent child, the hearing
17 officer shall consider the factors set forth in section 452.340.

18 4. If the person who requests the hearing fails to appear at the time and place set for the
19 hearing, upon a showing of proper notice to that [parent] **person**, the hearing officer shall enter
20 findings and order in accordance with the provisions of the notice [and finding of support
21 responsibility] **or motion** unless the hearing officer determines that no good cause therefor
22 exists.

23 5. In contested cases, the findings and order of the hearing officer shall be the decision
24 of the director. Any parent or person having custody of the child adversely affected by such
25 decision may obtain judicial review pursuant to sections 536.100 to 536.140 by filing a petition
26 for review in the circuit court of proper venue within thirty days of mailing of the decision.
27 Copies of the decision or order of the hearing officer shall be mailed to any parent, person having
28 custody of the child and the division within fourteen days of issuance.

29 6. If a hearing has been requested, and upon request of a parent, a person having custody
30 of the child, the division or a IV-D agency, the director shall enter a temporary order requiring
31 the provision of child support pending the final decision or order pursuant to this section if there
32 is clear and convincing evidence establishing a presumption of paternity pursuant to section
33 210.822. In determining the amount of child support, the director shall consider the factors set
34 forth in section 452.340. The temporary order, effective upon filing pursuant to section 454.490,
35 is not subject to a hearing pursuant to this section. The temporary order may be stayed by a court
36 of competent jurisdiction only after a hearing and a finding by the court that the order fails to
37 comply with rule 88.01.

38 **7. (1) Any administrative decision or order issued under this section containing**
39 **clerical mistakes arising from oversight or omission, except proposed administrative**
40 **modifications of judicial orders, may be corrected by an agency administrative hearing**
41 **officer at any time upon their own initiative or written motion filed by the division or any**
42 **party to the action provided the written motion is mailed to all parties. Any objection or**
43 **response to the written motion shall be made in writing and filed with the hearing officer**
44 **within fifteen days from the mailing date of the motion. Proposed administrative**
45 **modifications of judicial orders may be corrected by an agency administrative hearing**
46 **officer prior to the filing of the proposed administrative modification of a judicial order**
47 **with the court that entered the underlying judicial order as required in section 454.496, or**
48 **upon express order of the court that entered the underlying judicial order. No correction**
49 **shall be made during the court's review of the administrative decision, order, or proposed**
50 **order as authorized under sections 536.100 to 536.140, except in response to an express**
51 **order from the reviewing court.**

52 **(2) Any administrative decision or order or proposed administrative modification**
53 **of judicial order issued under this section containing errors arising from mistake, surprise,**
54 **fraud, misrepresentation, excusable neglect or inadvertence, may be corrected prior to**
55 **being filed with the court by an agency administrative hearing officer upon their own**
56 **initiative or by written motion filed by the division or any party to the action provided the**
57 **written motion is mailed to all parties and filed within sixty days of the administrative**
58 **decision, order, or proposed decision and order. Any objection or response to the written**
59 **motion shall be made in writing and filed with the hearing officer within fifteen days from**
60 **the mailing date of the motion. No decision, order, or proposed administrative**

61 **modification of judicial order may be corrected after ninety days from the mailing of the**
62 **administrative decision, order, or proposed order or during the court's review of the**
63 **administrative decision, order, or proposed order as authorized under sections 536.100 to**
64 **536.140, except in response to an express order from the reviewing court.**

65 **(3) Any administrative decision or order or proposed administrative modification**
66 **of judicial order, issued under this section may be vacated by an agency administrative**
67 **hearing officer upon their own initiative or by written motion filed by the division or any**
68 **party to the action provided the written motion is mailed to all parties, if the administrative**
69 **hearing officer determines that the decision or order was issued without subject matter**
70 **jurisdiction, without personal jurisdiction, or without affording the parties due process.**
71 **Any objection or response to the written motion shall be made in writing and filed with the**
72 **hearing officer within fifteen days from the mailing date of the motion. A proposed**
73 **administrative modification of a judicial order may only be vacated prior to being filed**
74 **with the court. No decision, order, or proposed administrative modification of a judicial**
75 **order may be vacated during the court's review of the administrative decision, order, or**
76 **proposed order as authorized under sections 536.100 to 536.140, except in response to an**
77 **express order from the reviewing court.**

476.057. 1. The state courts administrator shall determine the amount of the projected
2 total collections of fees pursuant to section 488.015, payable to the state pursuant to section
3 488.023, or subdivision (4) of subsection 2 of section 488.018; and the amount of such projected
4 total collections of fees required to be deposited into the fund in order to maintain the fund
5 required pursuant to subsection 2 of this section. The amount of fees payable for court cases may
6 thereafter be adjusted pursuant to section 488.015, as provided by said section. All proceeds of
7 the adjusted fees shall thereupon be collected and deposited to the state general revenue fund as
8 otherwise provided by law, subject to the transfer of a portion of such proceeds to the fund
9 established pursuant to subsection 2 of this section.

10 2. There is hereby established in the state treasury a special fund for purposes of
11 providing training and education for judicial personnel, including any clerical employees of each
12 circuit court clerk. Moneys from collected fees shall be annually transferred by the state
13 treasurer into the fund from the state general revenue fund in the amount of no more than two
14 percent of the amount expended for personal service by state and local government entities for
15 judicial personnel as determined by the state courts administrator pursuant to subsection 1 of this
16 section. Any unexpended balance remaining in the fund at the end of each biennium shall be
17 exempt from the provisions of section 33.080 relating to the transfer of unexpended balances to
18 the state general revenue fund, until the amount in the fund exceeds two percent of the amounts
19 expended for personal service by state and local government for judicial personnel.

20 3. **In addition, any moneys received by or on behalf of the state courts**
21 **administrator from fees, grants, or any other sources in connection with providing training**

22 **to judicial personnel shall be deposited in the fund provided, however, that moneys**
23 **collected in the fund in connection with a particular purpose shall be segregated and shall**
24 **not be disbursed for any other purpose.**

25 **4.** The state treasurer shall administer the fund and, pursuant to appropriations, shall
26 disburse moneys from the fund to the state courts administrator in order to provide training and
27 to purchase goods and services determined appropriate by the state courts administrator related
28 to the training and education of judicial personnel. As used in this section, the term "judicial
29 personnel" shall include court personnel as defined in section 476.058, and judges.

477.405. On or before [March 1, 1989] **January 1, 2015**, the supreme court of the state
2 of Missouri shall recommend guidelines appropriate for use by the general assembly in
3 determining the need for additional judicial personnel or reallocation of existing personnel in this
4 state, and shall recommend guidelines appropriate for the evaluation of judicial performance.
5 The guidelines shall be filed with the [chairmen] **chairs** of the house and senate judiciary
6 committees, **for distribution to the members of the general assembly**, and the court shall file
7 therewith **annually** a report measuring and assessing judicial performance in the appellate and
8 circuit courts of this state, **including a judicial weighted workload model and a clerical**
9 **weighted workload model.**

478.008. 1. Veterans treatment courts may be established by any circuit court, or
2 combination of circuit courts, upon agreement of the presiding judges of such circuit courts
3 to provide an alternative for the judicial system to dispose of cases which stem from
4 substance abuse or mental illness of military veterans or current military personnel.

5 **2.** A veterans treatment court shall combine judicial supervision, drug testing, and
6 substance abuse and mental health treatment to participants who have served or are
7 currently serving the United States armed forces, including members of the reserves,
8 national guard, or state guard.

9 **3. (1)** Each circuit court, which establishes such courts as provided in subsection
10 **1** of this section, shall establish conditions for referral of proceedings to the veterans
11 treatment court; and

12 **(2)** Each circuit court shall enter into a memorandum of understanding with each
13 participating prosecuting attorney in the circuit court. The memorandum of
14 understanding shall specify a list of felony offenses ineligible for referral to the veterans
15 treatment court. The memorandum of understanding may include other parties
16 considered necessary including, but not limited to, defense attorneys, treatment providers,
17 and probation officers.

18 **4. (1)** A circuit that has adopted a veterans treatment court under this section may
19 accept participants from any other jurisdiction in this state based upon either the residence
20 of the participant in the receiving jurisdiction or the unavailability of a veterans treatment
21 court in the jurisdiction where the participant is charged.

22 (2) The transfer can occur at any time during the proceedings, including, but not
23 limited to, prior to adjudication. The receiving court shall have jurisdiction to impose
24 sentence, including, but not limited to, sanctions, incentives, incarceration, and phase
25 changes.

26 (3) A transfer under this subsection is not valid unless it is agreed to by all of the
27 following:

28 (a) The defendant or respondent;

29 (b) The attorney representing the defendant or respondent;

30 (c) The judge of the transferring court and the prosecutor of the case; and

31 (d) The judge of the receiving veterans treatment court and the prosecutor of the
32 veterans treatment court.

33 (4) If the defendant is terminated from the veteran's treatment court program the
34 defendant's case shall be returned to the transferring court for disposition.

35 5. Any proceeding accepted by the veterans treatment court program for
36 disposition shall be upon agreement of the parties.

37 6. Except for good cause found by the court, a veterans treatment court shall make
38 a referral for substance abuse or mental health treatment, or a combination of substance
39 abuse and mental health treatment, through the Department of Defense health care, the
40 Veterans Administration, or a community-based treatment program. Community-based
41 programs utilized shall receive state or federal funds in connection with such referral and
42 shall only refer the individual to a program which is certified by the Missouri department
43 of mental health, unless no appropriate certified treatment program is located within the
44 same county as the veterans treatment court.

45 7. Any statement made by a participant as part of participation in the veterans
46 treatment court program, or any report made by the staff of the program, shall not be
47 admissible as evidence against the participant in any criminal, juvenile, or civil proceeding.
48 Notwithstanding the foregoing, termination from the veterans treatment court program
49 and the reasons for termination may be considered in sentencing or disposition.

50 8. Notwithstanding any other provision of law to the contrary, veterans treatment
51 court staff shall be provided with access to all records of any state or local government
52 agency relevant to the treatment of any program participant.

53 9. Upon general request, employees of all such agencies shall fully inform a veterans
54 treatment court staff of all matters relevant to the treatment of the participant. All such
55 records and reports and the contents thereof shall:

56 (1) Be treated as closed records;

57 (2) Not be disclosed to any person outside of the veterans treatment court;

58 (3) Be maintained by the court in a confidential file not available to the public.

59 **10. Upon successful completion of the treatment program, the charges, petition, or**
60 **penalty against a veterans treatment court participant may be dismissed, reduced, or**
61 **modified. Any fees received by a court from a defendant as payment for substance abuse**
62 **or mental health treatment programs shall not be considered court costs, charges, or fines.**

478.073. [The state is divided into the judicial circuits numbered and described in the
2 following sections.] **1. As set forth in this section, the general assembly authorizes the**
3 **judicial conference of the state of Missouri, as established pursuant to section 476.320, to**
4 **alter the geographical boundaries and territorial jurisdiction of the judicial circuits by**
5 **means of a circuit realignment plan as the administration of justice may require, subject**
6 **to the requirements set forth in article V of the constitution of Missouri.**

7 **(1) Beginning in 2020, and every twenty years thereafter, within the first ten**
8 **calendar days of the regular legislative session, the judicial conference shall submit to the**
9 **secretary of the senate, the chief clerk of the house of representatives and the chairs of the**
10 **house and senate judiciary committees a circuit realignment plan for the alteration of the**
11 **geographical boundaries and territorial jurisdiction of the judicial circuits. Along with a**
12 **statement of the numbers and boundaries of the proposed judicial circuits together with**
13 **a map of the proposed judicial circuits, the circuit realignment plan shall include an**
14 **analysis of the following supporting information:**

15 **(a) A current judicial weighted workload model;**
16 **(b) A current clerical weighted workload model;**
17 **(c) Whether litigants in the current circuits have adequate access to the courts;**
18 **(d) The populations of the current and proposed judicial circuits determined on the**
19 **basis of the most recent decennial census of the United States or annual population**
20 **estimates prepared by the United States Bureau of the Census;**
21 **(e) Judicial duties and travel time;**
22 **(f) Historical connections between counties in the judicial circuits; and**
23 **(g) Other information deemed relevant by the judicial conference.**
24 **(2) Once submitted to both chambers, a circuit realignment plan shall become**
25 **effective January first of the year following the session of the general assembly to which**
26 **it is submitted, unless a bill realigning the judicial circuits is presented to the governor and**
27 **is duly enacted.**

28 **2. A circuit realignment plan shall not alter the total number of judicial circuits in**
29 **existence on December 31, 2019, and any circuit realignment plan creating or reducing the**
30 **number of judicial circuits shall be null and void.**

31 **3. A circuit realignment plan not superceded in the manner set forth in this section**
32 **shall be considered for all purposes as the equivalent in force, effect, and intent of a public**
33 **act of the state upon its taking effect, and it shall be published by the revisor of statutes**

34 **together with the laws adopted by the general assembly during the session in which the**
35 **plan is submitted.**

478.320. 1. In counties having a population of thirty thousand or less, there shall be one
2 associate circuit judge. In counties having a population of more than thirty thousand and less
3 than one hundred thousand, there shall be two associate circuit judges. In counties having a
4 population of one hundred thousand or more, there shall be three associate circuit judges and one
5 additional associate circuit judge for each additional one hundred thousand inhabitants.

6 2. **When the office of state courts administrator indicates in an annual judicial**
7 **weighted workload model for three consecutive years or more the need for four or more**
8 **full-time judicial positions in any judicial circuit having a population of one hundred**
9 **thousand or more, there shall be one additional associate circuit judge position in such**
10 **circuit for every four full-time judicial positions needed as indicated in the weighted**
11 **workload model. In a multicounty circuit, the additional associate circuit judge positions**
12 **shall be apportioned among the counties in the circuit on the basis of population, starting**
13 **with the most populous county, then the next most populous county, and so forth.**

14 3. For purposes of this section, notwithstanding the provisions of section 1.100,
15 population of a county shall be determined on the basis of the last previous decennial census of
16 the United States; and, beginning after certification of the year 2000 decennial census, on the
17 basis of annual population estimates prepared by the United States Bureau of the Census,
18 provided that the number of associate circuit judge positions in a county shall be adjusted only
19 after population estimates for three consecutive years indicate population change in the county
20 to a level provided by subsection 1 of this section.

21 [3.] 4. Except in circuits where associate circuit judges are selected under the provisions
22 of sections 25(a) to (g) of article V of the constitution, the election of associate circuit judges
23 shall in all respects be conducted as other elections and the returns made as for other officers.

24 [4.] 5. In counties not subject to sections 25(a) to (g) of article V of the constitution,
25 associate circuit judges shall be elected by the county at large.

26 [5.] 6. No associate circuit judge shall practice law, or do a law business, nor shall he **or**
27 **she** accept, during his **or her** term of office, any public appointment for which he **or she** receives
28 compensation for his **or her** services.

29 [6.] 7. No person shall be elected as an associate circuit judge unless he **or she** has
30 resided in the county for which he **or she** is to be elected at least one year prior to the date of his
31 **or her** election; provided that, a person who is appointed by the governor to fill a vacancy may
32 file for election and be elected notwithstanding the provisions of this subsection.

487.010. 1. [There is hereby created in the circuit court of the following judicial circuits
2 of the state, a division or divisions to be designated as provided in sections 487.010 to 487.190,
3 which shall be the family court:

4 (1) Circuit number seven, consisting of the county of Clay;

5 (2) Circuit number thirteen, consisting of Callaway and Boone;
6 (3) Circuit number sixteen, consisting of the county of Jackson;
7 (4) Circuit number twenty-one, consisting of the county of St. Louis;
8 (5) Circuit number twenty-two, consisting of the city of St. Louis;
9 (6) Circuit number thirty-one, consisting of the county of Greene; and
10 (7) Any other circuit which chooses, by local court rule, to have a family court as
11 provided in sections 487.010 to 487.190.

12 2.] The majority of the circuit judges and associate circuit judges en banc, in the circuit,
13 may designate, by local court rule, a family court in a county in the circuit as provided in sections
14 487.010 to 487.190.

15 [3.] 2. The presiding judge of each circuit where the circuit or a county in the circuit has
16 a family court shall designate the division or divisions of the circuit court that shall be the family
17 court. In those circuits with split venue, a division shall be designated in each venue.

18 [4.] 3. In each circuit having more than one division designated as the family court, the
19 presiding judge shall designate from the divisions so designated an administrative judge of the
20 family court.

21 [5.] 4. In any circuit with a county with split venue, there shall be at least one circuit
22 judge assigned to the family court for each block of one hundred sixty thousand persons, or
23 portion of such block, based upon the latest decennial national census.

24 [6.] 5. Notwithstanding any other provision of this chapter to the contrary, the judges of
25 the court en banc may remove a judge from his duties as a family court judge and may assign a
26 new judge to sit as the family court judge.

27 **6. This section shall not be construed as eliminating any family courts in existence**
28 **as of December 31, 2019.**

487.020. 1. In each circuit or a county having a family court, a majority of the circuit
2 and associate circuit judges en banc, in the circuit, may appoint commissioners, subject to
3 appropriations, to hear family court cases and make findings as provided for in sections 487.010
4 to 487.190. Any person serving as a commissioner of the juvenile division of the circuit court
5 on August 28, 1993, shall become a commissioner of the family court. In each circuit or a
6 county therein having a family court, a majority of the circuit and associate circuit judges en banc
7 may appoint, in addition to those commissioners serving as commissioners of the juvenile
8 division and becoming commissioners of the family court pursuant to the provisions of sections
9 487.020 to 487.040, no more than three additional commissioners to hear family court cases and
10 make findings and recommendations as provided in sections 487.010 to 487.190. The number
11 of additional commissioners added as a result of the provisions of sections 487.010 to 487.190
12 may be appointed only to the extent that the state is reimbursed for the salaries of the
13 commissioners as provided in sections 487.010 to 487.190 or by federal or county funds or by
14 gifts or grants made for such purposes. A commissioner shall be appointed for a term of four

15 years. Commissioners appointed pursuant to sections 487.020 to 487.040 shall serve in addition
16 to circuit judges, associate circuit court judges and commissioners authorized to hear actions
17 classified under section 487.080.

18 2. The circuit [court] **courts** in the eleventh judicial circuit, **the thirteenth judicial**
19 **circuit, and the thirty-first judicial circuit** may, in substitution of [a] **each** family court
20 commissioner currently appointed pursuant to this section whose salary is reimbursable, appoint
21 [one] **a** family court commissioner whose compensation shall be payable by the state without
22 necessity of reimbursement. The provisions of this subsection shall not be construed to allow
23 appointment of a family court commissioner in **the eleventh judicial circuit in** addition to the
24 number of such family court commissioners holding office in the eleventh judicial circuit as of
25 January 1, 1999[, and] . **The provisions of this subsection shall not be construed to allow**
26 **appointment of a family court commissioner in the thirteenth judicial circuit or the thirty-**
27 **first judicial circuit in addition to the number of such family court commissioners holding**
28 **office in such circuits as of January 1, 2013.** The appointment of the state-paid commissioner
29 shall be subject to appropriations for such purpose.

30 3. Each commissioner of the family court shall possess the same qualifications as a
31 circuit judge. The compensation and retirement benefits of each commissioner shall be the same
32 as that of an associate circuit judge, payable in the same manner and from the same source as that
33 of an associate circuit judge.

488.426. 1. The judges of the circuit court, en banc, in any circuit in this state may
2 require any party filing a civil case in the circuit court, at the time of filing the suit, to deposit
3 with the clerk of the court a surcharge in addition to all other deposits required by law or court
4 rule. Sections 488.426 to 488.432 shall not apply to proceedings when costs are waived or are
5 to be paid by the county or state or any city.

6 2. The surcharge in effect on August 28, 2001, shall remain in effect until changed by
7 the circuit court. The circuit court in any circuit, except the circuit court in Jackson County **or**
8 **the circuit court in any circuit that reimburses the state for the salaries of family court**
9 **commissioners pursuant to section 487.020**, may change the fee to any amount not to exceed
10 fifteen dollars. The circuit court in Jackson County **or the circuit court in any circuit that**
11 **reimburses the state for the salaries of family court commissioners pursuant to section**
12 **487.020** may change the fee to any amount not to exceed twenty dollars. A change in the fee
13 shall become effective and remain in effect until further changed.

14 3. Sections 488.426 to 488.432 shall not apply to proceedings when costs are waived or
15 are paid by the county or state or any city.

16 4. In addition to any fee authorized by subsection 1 of this section, any county of the first
17 classification with more than ninety-three thousand eight hundred but less than ninety-three
18 thousand nine hundred inhabitants may impose an additional fee of ten dollars excluding cases

19 concerning adoption and those in small claims court. The provisions of this subsection shall
20 expire on December 31, 2014.

488.2250. [For all transcripts of testimony given or proceedings had in any circuit court,
2 the court reporter shall receive the sum of two dollars per twenty-five-line page for the original
3 of the transcript, and the sum of thirty-five cents per twenty-five-line page for each carbon copy
4 thereof; the page to be approximately eight and one-half inches by eleven inches in size, with
5 left-hand margin of approximately one and one-half inches and the right-hand margin of
6 approximately one-half inch; answer to follow question on same line when feasible; such page
7 to be designated as a legal page. Any judge, in his or her discretion, may order a transcript of
8 all or any part of the evidence or oral proceedings, and the court reporter's fees for making the
9 same shall be paid by the state upon a voucher approved by the court, and taxed against the state.
10 In criminal cases where an appeal is taken by the defendant, and it appears to the satisfaction of
11 the court that the defendant is unable to pay the costs of the transcript for the purpose of
12 perfecting the appeal, the court shall order the court reporter to furnish three transcripts in
13 duplication of the notes of the evidence, for the original of which the court reporter shall receive
14 two dollars per legal page and for the copies twenty cents per page. The payment of court
15 reporter's fees provided in this section shall be made by the state upon a voucher approved by
16 the court] **1. For all appeal transcripts of testimony given or proceedings in any circuit
17 court, the court reporter shall receive the sum of three dollars and fifty cents per legal page
18 for the preparation of a paper and an electronic version of the transcript.**

19 **2. In criminal cases where an appeal is taken by the defendant and it appears to the
20 satisfaction of the court that the defendant is unable to pay the costs of the transcript for
21 the purpose of perfecting the appeal, the court reporter shall receive a fee of two dollars
22 and sixty cents per legal page for the preparation of a paper and an electronic version of
23 the transcript.**

24 **3. Any judge, in his or her discretion, may order a transcript of all or any part of
25 the evidence or oral proceedings and the court reporter shall receive the sum of two dollars
26 and sixty cents per legal page for the preparation of a paper and an electronic version of
27 the transcript.**

28 **4. For purposes of this section, a legal page, other than the first page and the final
29 page of the transcript, shall be twenty-five lines, approximately eight and one-half inches
30 by eleven inches in size, with the left-hand margin of approximately one and one-half
31 inches, and with the right-hand margin of approximately one-half inch.**

32 **5. Notwithstanding any law to the contrary, the payment of court reporter's fees
33 provided in subsections 2 and 3 of this section shall be made by the state upon a voucher
34 approved by the court. The cost to prepare all other transcripts of testimony or
35 proceedings shall be borne by the party requesting their preparation and production, who
36 shall reimburse the court reporter the sum provided in subsection 1 of this section.**

488.5320. 1. Sheriffs, county marshals or other officers shall be allowed a charge for their services rendered in criminal cases and in all proceedings for contempt or attachment, as required by law, the sum of seventy-five dollars for each felony case or contempt or attachment proceeding, ten dollars for each misdemeanor case, and six dollars for each infraction, [excluding] **including** cases disposed of by a [traffic] violations bureau established pursuant to law or supreme court rule. Such charges shall be charged and collected in the manner provided by sections 488.010 to 488.020 and shall be payable to the county treasury; **except that, those charges from cases disposed of by a violations bureau shall be distributed as follows: one-half of the charges collected shall be forwarded and deposited to the credit of the MODEX fund established in subsection 6 of this section for the operational cost of the Missouri data exchange (MODEX) system, and one-half of the charges collected shall be deposited to the credit of the inmate security fund, established in section 488.5026, of the county or municipal political subdivision from which the citation originated. If the county or municipal political subdivision has not established an inmate security fund, all of the funds shall be deposited in the MODEX fund.**

2. **Notwithstanding subsection 1 of this section to the contrary, sheriffs, county marshals, or other officers in any county with a charter form of government and with more than nine hundred fifty thousand inhabitants or in any city not within a county shall not be allowed a charge for their services rendered in cases disposed of by a violations bureau established pursuant to law or supreme court rule.**

3. The sheriff receiving any charge pursuant to subsection 1 of this section shall reimburse the sheriff of any other county or the city of St. Louis the sum of three dollars for each pleading, writ, summons, order of court or other document served in connection with the case or proceeding by the sheriff of the other county or city, and return made thereof, to the maximum amount of the total charge received pursuant to subsection 1 of this section.

[3.] 4. The charges provided in subsection 1 of this section shall be taxed as other costs in criminal proceedings immediately upon a plea of guilty or a finding of guilt of any defendant in any criminal procedure. The clerk shall tax all the costs in the case against such defendant, which shall be collected and disbursed as provided by sections 488.010 to 488.020; provided, that no such charge shall be collected in any proceeding in any court when the proceeding or the defendant has been dismissed by the court; provided further, that all costs, incident to the issuing and serving of writs of scire facias and of writs of fieri facias, and of attachments for witnesses of defendant, shall in no case be paid by the state, but such costs incurred under writs of fieri facias and scire facias shall be paid by the defendant and such defendant's sureties, and costs for attachments for witnesses shall be paid by such witnesses.

[4.] 5. Mileage shall be reimbursed to sheriffs, county marshals and guards for all services rendered pursuant to this section at the rate prescribed by the Internal Revenue Service for allowable expenses for motor vehicle use expressed as an amount per mile.

39 **6. (1) There is hereby created in the state treasury the "MODEX Fund", which**
40 **shall consist of money collected under subsection 1 of this section. The fund shall be**
41 **administered by the Peace Officers Standards and Training Commission established in**
42 **section 590.120. The state treasurer shall be custodian of the fund. In accordance with**
43 **sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall**
44 **be a dedicated fund and, upon appropriation, money in the fund shall be used solely for**
45 **the operational support and expansion of the MODEX system.**

46 **(2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys**
47 **remaining in the fund at the end of the biennium shall not revert to the credit of the**
48 **general revenue fund.**

49 **(3) The state treasurer shall invest moneys in the fund in the same manner as other**
50 **funds are invested. Any interest and moneys earned on such investments shall be credited**
51 **to the fund.**

513.430. 1. The following property shall be exempt from attachment and execution to
2 the extent of any person's interest therein:

3 (1) Household furnishings, household goods, wearing apparel, appliances, books,
4 animals, crops or musical instruments that are held primarily for personal, family or household
5 use of such person or a dependent of such person, not to exceed three thousand dollars in value
6 in the aggregate;

7 (2) A wedding ring not to exceed one thousand five hundred dollars in value and other
8 jewelry held primarily for the personal, family or household use of such person or a dependent
9 of such person, not to exceed five hundred dollars in value in the aggregate;

10 (3) Any other property of any kind, not to exceed in value six hundred dollars in the
11 aggregate;

12 (4) Any implements or professional books or tools of the trade of such person or the
13 trade of a dependent of such person not to exceed three thousand dollars in value in the
14 aggregate;

15 (5) Any motor vehicles, not to exceed three thousand dollars in value in the aggregate;

16 (6) Any mobile home used as the principal residence but not attached to real property
17 in which the debtor has a fee interest, not to exceed five thousand dollars in value;

18 (7) Any one or more unmatured life insurance contracts owned by such person, other
19 than a credit life insurance contract;

20 (8) The amount of any accrued dividend or interest under, or loan value of, any one or
21 more unmatured life insurance contracts owned by such person under which the insured is such
22 person or an individual of whom such person is a dependent; provided, however, that if
23 proceedings under Title 11 of the United States Code are commenced by or against such person,
24 the amount exempt in such proceedings shall not exceed in value one hundred fifty thousand
25 dollars in the aggregate less any amount of property of such person transferred by the life

26 insurance company or fraternal benefit society to itself in good faith if such transfer is to pay a
27 premium or to carry out a nonforfeiture insurance option and is required to be so transferred
28 automatically under a life insurance contract with such company or society that was entered into
29 before commencement of such proceedings. No amount of any accrued dividend or interest
30 under, or loan value of, any such life insurance contracts shall be exempt from any claim for
31 child support. Notwithstanding anything to the contrary, no such amount shall be exempt in such
32 proceedings under any such insurance contract which was purchased by such person within one
33 year prior to the commencement of such proceedings;

34 (9) Professionally prescribed health aids for such person or a dependent of such person;

35 (10) Such person's right to receive:

36 (a) A Social Security benefit, unemployment compensation or a public assistance
37 benefit;

38 (b) A veteran's benefit;

39 (c) A disability, illness or unemployment benefit;

40 (d) Alimony, support or separate maintenance, not to exceed seven hundred fifty dollars
41 a month;

42 (e) Any payment under a stock bonus plan, pension plan, disability or death benefit plan,
43 profit-sharing plan, nonpublic retirement plan or any plan described, defined, or established
44 pursuant to section 456.072, the person's right to a participant account in any deferred
45 compensation program offered by the state of Missouri or any of its political subdivisions, or
46 annuity or similar plan or contract on account of illness, disability, death, age or length of
47 service, to the extent reasonably necessary for the support of such person and any dependent of
48 such person unless:

49 a. Such plan or contract was established by or under the auspices of an insider that
50 employed such person at the time such person's rights under such plan or contract arose;

51 b. Such payment is on account of age or length of service; and

52 c. Such plan or contract does not qualify under Section 401(a), 403(a), 403(b), 408, 408A
53 or 409 of the Internal Revenue Code of 1986, as amended, (26 U.S.C. 401(a), 403(a), 403(b),
54 408, 408A or 409); except that any such payment to any person shall be subject to attachment
55 or execution pursuant to a qualified domestic relations order, as defined by Section 414(p) of the
56 Internal Revenue Code of 1986, as amended, issued by a court in any proceeding for dissolution
57 of marriage or legal separation or a proceeding for disposition of property following dissolution
58 of marriage by a court which lacked personal jurisdiction over the absent spouse or lacked
59 jurisdiction to dispose of marital property at the time of the original judgment of dissolution;

60 (f) Any money or assets, payable to a participant or beneficiary from, or any interest of
61 any participant or beneficiary in, a retirement plan [or] , profit-sharing plan, **health savings plan,**
62 **or similar plan, including an inherited account or plan,** that is qualified under Section 401(a),
63 403(a), 403(b), 408, 408A or 409 of the Internal Revenue Code of 1986, as amended, **whether**

64 **such participant's or beneficiary's interest arises by inheritance, designation, appointment,**
65 **or otherwise,** except as provided in this paragraph. Any plan or arrangement described in this
66 paragraph shall not be exempt from the claim of an alternate payee under a qualified domestic
67 relations order; however, the interest of any and all alternate payees under a qualified domestic
68 relations order shall be exempt from any and all claims of any creditor, other than the state of
69 Missouri through its division of family services. As used in this paragraph, the terms "alternate
70 payee" and "qualified domestic relations order" have the meaning given to them in Section
71 414(p) of the Internal Revenue Code of 1986, as amended.

72

73 If proceedings under Title 11 of the United States Code are commenced by or against such
74 person, no amount of funds shall be exempt in such proceedings under any such plan, contract,
75 or trust which is fraudulent as defined in subsection 2 of section 428.024 and for the period such
76 person participated within three years prior to the commencement of such proceedings. For the
77 purposes of this section, when the fraudulently conveyed funds are recovered and after, such
78 funds shall be deducted and then treated as though the funds had never been contributed to the
79 plan, contract, or trust;

80 (11) The debtor's right to receive, or property that is traceable to, a payment on account
81 of the wrongful death of an individual of whom the debtor was a dependent, to the extent
82 reasonably necessary for the support of the debtor and any dependent of the debtor.

83 2. Nothing in this section shall be interpreted to exempt from attachment or execution
84 for a valid judicial or administrative order for the payment of child support or maintenance any
85 money or assets, payable to a participant or beneficiary from, or any interest of any participant
86 or beneficiary in, a retirement plan which is qualified pursuant to Section 408A of the Internal
87 Revenue Code of 1986, as amended.

514.040. 1. Except as provided in subsection 3 of this section, if any court shall, before
2 or after the commencement of any suit pending before it, be satisfied that the plaintiff is a poor
3 person, and unable to prosecute his or her suit, and pay all or any portion of the costs and
4 expenses thereof, such court may, in its discretion, permit him or her to commence and prosecute
5 his or her action as a poor person, and thereupon such poor person shall have all necessary
6 process and proceedings as in other cases, without fees, tax or charge as the court determines the
7 person cannot pay; and the court may assign to such person counsel, who, as well as all other
8 officers of the court, shall perform their duties in such suit without fee or reward as the court may
9 excuse; but if judgment is entered for the plaintiff, costs shall be recovered, which shall be
10 collected for the use of the officers of the court.

11 2. In any civil action brought in a court of this state by any offender convicted of a crime
12 who is confined in any state prison or correctional center, the court shall not reduce the amount
13 required as security for costs upon filing such suit to an amount of less than ten dollars pursuant

14 to this section. This subsection shall not apply to any action for which no sum as security for
15 costs is required to be paid upon filing such suit.

16 3. Where a party is represented in a civil action by a legal aid society or a legal services
17 or other nonprofit organization funded in whole or substantial part by moneys appropriated by
18 the general assembly of the state of Missouri, which has as its primary purpose the furnishing
19 of legal services to indigent persons, **by a law school clinic which has as its primary purpose**
20 **educating law students through furnishing legal services to indigent persons**, or by private
21 counsel working on behalf of or under the auspices of such society, all costs and expenses related
22 to the prosecution of the suit may be waived without the necessity of a motion and court
23 approval, provided that a determination has been made by such society or organization that such
24 party is unable to pay the costs, fees and expenses necessary to prosecute or defend the action,
25 and that a certification that such determination has been made is filed with the clerk of the court.

544.455. 1. Any person charged with a bailable offense, at his or her appearance before
2 an associate circuit judge or judge may be ordered released pending trial, appeal, or other stage
3 of the proceedings against him on his personal recognizance, unless the associate circuit judge
4 or judge determines, in the exercise of his discretion, that such a release will not reasonably
5 assure the appearance of the person as required. When such a determination is made, the
6 associate circuit judge or judge may either in lieu of or in addition to the above methods of
7 release, impose any or any combination of the following conditions of release which will
8 reasonably assure the appearance of the person for trial:

9 (1) Place the person in the custody of a designated person or organization agreeing to
10 supervise him;

11 (2) Place restriction on the travel, association, or place of abode of the person during the
12 period of release;

13 (3) Require the execution of a bail bond with sufficient solvent sureties, or the deposit
14 of cash in lieu thereof;

15 (4) Require the person to report regularly to some officer of the court, or peace officer,
16 in such manner as the associate circuit judge or judge directs;

17 (5) Require the execution of a bond in a given sum and the deposit in the registry of the
18 court of ten percent, or such lesser percent as the judge directs, of the sum in cash or negotiable
19 bonds of the United States or of the state of Missouri or any political subdivision thereof;

20 (6) Place the person on house arrest with electronic monitoring[,] ; except that all costs
21 associated with the electronic monitoring shall be charged to the person on house arrest. If the
22 judge finds the person unable to afford the costs associated with electronic monitoring, [then]
23 the judge [shall not] **may** order that the person be placed on house arrest with electronic
24 monitoring **if the county commission agrees to pay from the general revenue of the county**
25 **the costs of such monitoring. If the person on house arrest is unable to afford the costs**
26 **associated with electronic monitoring and the county commission does not agree to pay the**

27 **costs of such electronic monitoring, the judge shall not order that the person be placed on**
28 **house arrest with electronic monitoring;**

29 (7) Impose any other condition deemed reasonably necessary to assure appearance as
30 required, including a condition requiring that the person return to custody after specified hours.

31 2. In determining which conditions of release will reasonably assure appearance, the
32 associate circuit judge or judge shall, on the basis of available information, take into account the
33 nature and circumstances of the offense charged, the weight of the evidence against the accused,
34 the accused's family ties, employment, financial resources, character and mental condition, the
35 length of his residence in the community, his record of convictions, and his record of appearance
36 at court proceedings or flight to avoid prosecution or failure to appear at court proceedings.

37 3. An associate circuit judge or judge authorizing the release of a person under this
38 section shall issue an appropriate order containing a statement of the conditions imposed, if any,
39 shall inform such person of the penalties applicable to violations of the conditions of his release
40 and shall advise him that a warrant for his arrest will be issued immediately upon any such
41 violation.

42 4. A person for whom conditions of release are imposed and who after twenty-four hours
43 from the time of the release hearing continues to be detained as a result of his inability to meet
44 the conditions of release, shall, upon application, be entitled to have the condition reviewed by
45 the associate circuit judge or judge who imposed them. The motion shall be determined
46 promptly.

47 5. An associate circuit judge or judge ordering the release of a person on any condition
48 specified in this section may at any time amend his order to impose additional or different
49 conditions of release; except that, if the imposition of such additional or different conditions
50 results in the detention of the person as a result of his inability to meet such conditions or in the
51 release of the person on a condition requiring him to return to custody after specified hours, the
52 provisions of subsection 4 **of this section** shall apply.

53 6. Information stated in, or offered in connection with, any order entered pursuant to this
54 section need not conform to the rules pertaining to the admissibility of evidence in a court of law.

55 7. Nothing contained in this section shall be construed to prevent the disposition of any
56 case or class of cases by forfeiture of collateral security where such disposition is authorized by
57 the court.

58 8. Persons charged with violations of municipal ordinances may be released by a
59 municipal judge or other judge who hears and determines municipal ordinance violation cases
60 of the municipality involved under the same conditions and in the same manner as provided in
61 this section for release by an associate circuit judge.

62 9. A circuit court may adopt a local rule authorizing the pretrial release on electronic
63 monitoring pursuant to subdivision (6) of subsection 1 of this section in lieu of incarceration of
64 individuals charged with offenses specifically identified therein.

557.011. 1. Every person found guilty of an offense shall be dealt with by the court in accordance with the provisions of this chapter, except that for offenses defined outside this code and not repealed, the term of imprisonment or the fine that may be imposed is that provided in the statute defining the offense; however, the conditional release term of any sentence of a term of years shall be determined as provided in subsection 4 of section 558.011.

2. Whenever any person has been found guilty of a felony or a misdemeanor the court shall make one or more of the following dispositions of the offender in any appropriate combination. The court may:

- (1) Sentence the person to a term of imprisonment as authorized by chapter 558;
- (2) Sentence the person to pay a fine as authorized by chapter 560;
- (3) Suspend the imposition of sentence, with or without placing the person on probation;
- (4) Pronounce sentence and suspend its execution, placing the person on probation;
- (5) Impose a period of detention as a condition of probation, as authorized by section 559.026.

3. Whenever any person has been found guilty of an infraction, the court shall make one or more of the following dispositions of the offender in any appropriate combination. The court may:

- (1) Sentence the person to pay a fine as authorized by chapter 560;
- (2) Suspend the imposition of sentence, with or without placing the person on probation;
- (3) Pronounce sentence and suspend its execution, placing the person on probation.

4. Whenever any organization has been found guilty of an offense, the court shall make one or more of the following dispositions of the organization in any appropriate combination. The court may:

- (1) Sentence the organization to pay a fine as authorized by chapter 560;
- (2) Suspend the imposition of sentence, with or without placing the organization on probation;
- (3) Pronounce sentence and suspend its execution, placing the organization on probation;
- (4) Impose any special sentence or sanction authorized by law.

5. This chapter shall not be construed to deprive the court of any authority conferred by law to decree a forfeiture of property, suspend or cancel a license, remove a person from office, or impose any other civil penalty. An appropriate order exercising such authority may be included as part of any sentence.

6. In the event a sentence of confinement is ordered executed, a court may order that an individual serve all or any portion of such sentence on electronic monitoring[,] ; except that all costs associated with the electronic monitoring shall be charged to the person on house arrest. If the judge finds the person unable to afford the costs associated with electronic monitoring, [then] the judge [shall not] **may** order that the person be placed on house arrest with electronic monitoring **if the county commission agrees to pay the costs of such monitoring. If the**

39 **person on house arrest is unable to afford the costs associated with electronic monitoring**
40 **and the county commission does not agree to pay from the general revenue of the county**
41 **the costs of such electronic monitoring, the judge shall not order that the person be placed**
42 **on house arrest with electronic monitoring.**

559.036. 1. A term of probation commences on the day it is imposed. Multiple terms
2 of Missouri probation, whether imposed at the same time or at different times, shall run
3 concurrently. Terms of probation shall also run concurrently with any federal or other state jail,
4 prison, probation or parole term for another offense to which the defendant is or becomes subject
5 during the period, unless otherwise specified by the Missouri court.

6 2. The court may terminate a period of probation and discharge the defendant at any time
7 before completion of the specific term fixed under section 559.016 if warranted by the conduct
8 of the defendant and the ends of justice. The court may extend the term of the probation, but no
9 more than one extension of any probation may be ordered except that the court may extend the
10 term of probation by one additional year by order of the court if the defendant admits he or she
11 has violated the conditions of probation or is found by the court to have violated the conditions
12 of his or her probation. Total time on any probation term, including any extension shall not
13 exceed the maximum term established in section 559.016. Procedures for termination, discharge
14 and extension may be established by rule of court.

15 3. If the defendant violates a condition of probation at any time prior to the expiration
16 or termination of the probation term, the court may continue him on the existing conditions, with
17 or without modifying or enlarging the conditions or extending the term.

18 4. (1) **Unless the defendant consents to the revocation of probation**, if a continuation,
19 modification, enlargement or extension is not appropriate under this section, the court shall order
20 placement of the offender in one of the department of corrections' one hundred twenty-day
21 programs so long as:

22 (a) The underlying offense for the probation is a class C or D felony or an offense listed
23 in chapter 195; except that, the court may, upon its own motion or a motion of the prosecuting
24 or circuit attorney, make a finding that an offender is not eligible if the underlying offense is
25 involuntary manslaughter in the first degree, involuntary manslaughter in the second degree,
26 aggravated stalking, assault in the second degree, sexual assault, domestic assault in the second
27 degree, assault of a law enforcement officer in the second degree, statutory rape in the second
28 degree, statutory sodomy in the second degree, deviate sexual assault, sexual misconduct
29 involving a child, incest, endangering the welfare of a child in the first degree under subdivision
30 (1) or (2) of subsection 1 of section 568.045, abuse of a child, invasion of privacy or any case
31 in which the defendant is found guilty of a felony offense under chapter 571;

32 (b) The probation violation is not the result of the defendant being an absconder or being
33 found guilty of, pleading guilty to, or being arrested on suspicion of any felony, misdemeanor,
34 or infraction. For purposes of this subsection, "absconder" shall mean an offender under

35 supervision who has left such offender's place of residency without the permission of the
36 offender's supervising officer for the purpose of avoiding supervision;

37 (c) The defendant has not violated any conditions of probation involving the possession
38 or use of weapons, or a stay-away condition prohibiting the defendant from contacting a certain
39 individual; and

40 (d) The defendant has not already been placed in one of the programs by the court for
41 the same underlying offense or during the same probation term.

42 (2) Upon receiving the order, the department of corrections shall conduct an assessment
43 of the offender and place such offender in the appropriate one hundred twenty-day program
44 under subsection 3 of section 559.115.

45 (3) Notwithstanding any of the provisions of subsection 3 of section 559.115 to the
46 contrary, once the defendant has successfully completed the program under this subsection, the
47 court shall release the defendant to continue to serve the term of probation, which shall not be
48 modified, enlarged, or extended based on the same incident of violation. Time served in the
49 program shall be credited as time served on any sentence imposed for the underlying offense.

50 **5. If the defendant consents to the revocation of probation or if the defendant is not**
51 eligible under subsection 4 of this section for placement in a program and a continuation,
52 modification, enlargement, or extension of the term under this section is not appropriate, the
53 court may revoke probation and order that any sentence previously imposed be executed. If
54 imposition of sentence was suspended, the court may revoke probation and impose any sentence
55 available under section 557.011. The court may mitigate any sentence of imprisonment by
56 reducing the prison or jail term by all or part of the time the defendant was on probation. The
57 court may, upon revocation of probation, place an offender on a second term of probation. Such
58 probation shall be for a term of probation as provided by section 559.016, notwithstanding any
59 amount of time served by the offender on the first term of probation.

60 6. Probation shall not be revoked without giving the probationer notice and an
61 opportunity to be heard on the issues of whether he violated a condition of probation and, if he
62 did, whether revocation is warranted under all the circumstances.

63 7. The prosecuting or circuit attorney may file a motion to revoke probation or at any
64 time during the term of probation, the court may issue a notice to the probationer to appear to
65 answer a charge of a violation, and the court may issue a warrant of arrest for the violation. Such
66 notice shall be personally served upon the probationer. The warrant shall authorize the return
67 of the probationer to the custody of the court or to any suitable detention facility designated by
68 the court. Upon the filing of the prosecutor's or circuit attorney's motion or on the court's own
69 motion, the court may immediately enter an order suspending the period of probation and may
70 order a warrant for the defendant's arrest. The probation shall remain suspended until the court
71 rules on the prosecutor's or circuit attorney's motion, or until the court otherwise orders the
72 probation reinstated.

73 8. The power of the court to revoke probation shall extend for the duration of the term
74 of probation designated by the court and for any further period which is reasonably necessary for
75 the adjudication of matters arising before its expiration, provided that some affirmative
76 manifestation of an intent to conduct a revocation hearing occurs prior to the expiration of the
77 period and that every reasonable effort is made to notify the probationer and to conduct the
78 hearing prior to the expiration of the period.

 559.115. 1. Neither probation nor parole shall be granted by the circuit court between
2 the time the transcript on appeal from the offender's conviction has been filed in appellate court
3 and the disposition of the appeal by such court.

4 2. Unless otherwise prohibited by subsection [5] 8 of this section, a circuit court only
5 upon its own motion and not that of the state or the offender shall have the power to grant
6 probation to an offender anytime up to one hundred twenty days after such offender has been
7 delivered to the department of corrections but not thereafter. The court may request information
8 and a recommendation from the department concerning the offender and such offender's behavior
9 during the period of incarceration. Except as provided in this section, the court may place the
10 offender on probation in a program created pursuant to section 217.777, or may place the
11 offender on probation with any other conditions authorized by law.

12 3. The court may recommend placement of an offender in a department of corrections
13 one hundred twenty-day program under this [section] **subsection** or order such placement under
14 subsection 4 of section 559.036. Upon the recommendation or order of the court, the department
15 of corrections shall assess each offender to determine the appropriate **one hundred twenty-day**
16 program in which to place the offender, [including] **which may include placement in the shock**
17 incarceration **program** or institutional treatment **program**. When the court recommends and
18 receives placement of an offender in a department of corrections one hundred twenty-day
19 program, the offender shall be released on probation if the department of corrections determines
20 that the offender has successfully completed the program except as follows. Upon successful
21 completion of a [treatment] program **under this subsection**, the board of probation and parole
22 shall advise the sentencing court of an offender's probationary release date thirty days prior to
23 release. [The court shall release the offender unless such release constitutes an abuse of
24 discretion. If the court determined that there is an abuse of discretion, the court may order the
25 execution of the offender's sentence only after conducting a hearing on the matter within ninety
26 to one hundred twenty days of the offender's sentence. If the court does not respond when an
27 offender successfully completes the program, the offender shall be released on probation. Upon
28 successful completion of a shock incarceration program, the board of probation and parole shall
29 advise the sentencing court of an offender's probationary release date thirty days prior to release.]
30 The court shall follow the recommendation of the department unless the court determines that
31 probation is not appropriate. If the court determines that probation is not appropriate, the court
32 may order the execution of the offender's sentence only after conducting a hearing on the matter

33 within ninety to one hundred twenty days [of the offender's sentence. If the department
34 determines that an offender is not successful in a program, then after one hundred days of
35 incarceration the circuit court shall receive from] **from the date the offender was delivered to**
36 **the department of corrections. If the department determines the offender has not**
37 **successfully completed a one hundred twenty-day program under this subsection, the**
38 **offender shall be removed from the program and the court shall be advised of the removal.**
39 The department [of corrections a] **shall** report on the offender's participation in the program and
40 [department] **may provide** recommendations for terms and conditions of an offender's probation.
41 The court shall then [release the offender on probation or order the offender to remain in the
42 department to serve the sentence imposed] **have the power to grant probation or order the**
43 **execution of the offender's sentence.**

44 4. **If the court is advised that an offender is not eligible for placement in a one**
45 **hundred twenty-day program under subsection 3 of this section, the court shall consider**
46 **other authorized dispositions.** If the department of corrections one hundred twenty-day
47 program **under subsection 3 of this section** is full, the court may place the offender in a private
48 program approved by the department of corrections or the court, the expenses of such program
49 to be paid by the offender, or in an available program offered by another organization. If the
50 offender is convicted of a class C or class D nonviolent felony, the court may order probation
51 while awaiting appointment to treatment.

52 5. Except when the offender has been found to be a predatory sexual offender pursuant
53 to section 558.018, the court shall request [that the offender be placed in the sexual offender
54 assessment unit of the department of corrections] **the department of corrections to conduct**
55 **a sexual offender assessment** if the defendant has pleaded guilty to or has been found guilty of
56 sexual abuse when classified as a class B felony. **Upon completion of the assessment, the**
57 **department shall provide to the court a report on the offender and may provide**
58 **recommendations for terms and conditions of an offender's probation. The assessment**
59 **shall not be considered a one hundred twenty-day program as provided under subsection**
60 **3 of this section. The process for granting probation to an offender who has completed the**
61 **assessment shall be as provided under subsections 2 and 6 of this section.**

62 6. Unless the offender is being granted probation pursuant to successful completion of
63 a one hundred twenty-day program the circuit court shall notify the state in writing when the
64 court intends to grant probation to the offender pursuant to the provisions of this section. The
65 state may, in writing, request a hearing within ten days of receipt of the court's notification that
66 the court intends to grant probation. Upon the state's request for a hearing, the court shall grant
67 a hearing as soon as reasonably possible. If the state does not respond to the court's notice in
68 writing within ten days, the court may proceed upon its own motion to grant probation.

69 7. An offender's first incarceration [for one hundred twenty days for participation in a
70 department of corrections program] **under this section** prior to release on probation shall not be

71 considered a previous prison commitment for the purpose of determining a minimum prison term
72 under the provisions of section 558.019.

73 8. Notwithstanding any other provision of law, probation may not be granted pursuant
74 to this section to offenders who have been convicted of murder in the second degree pursuant
75 to section 565.021; forcible rape pursuant to section 566.030; forcible sodomy pursuant to
76 section 566.060; statutory rape in the first degree pursuant to section 566.032; statutory sodomy
77 in the first degree pursuant to section 566.062; child molestation in the first degree pursuant to
78 section 566.067 when classified as a class A felony; abuse of a child pursuant to section 568.060
79 when classified as a class A felony; an offender who has been found to be a predatory sexual
80 offender pursuant to section 558.018; or any offense in which there exists a statutory prohibition
81 against either probation or parole.

632.498. 1. Each person committed pursuant to sections 632.480 to 632.513 shall have
2 a current examination of the person's mental condition made once every year by the director of
3 the department of mental health or designee. The yearly report shall be provided to the court that
4 committed the person pursuant to sections 632.480 to 632.513. The court shall conduct an
5 annual review of the status of the committed person. The court shall not conduct an annual
6 review of a person's status if he or she has been conditionally released pursuant to section
7 632.505.

8 2. Nothing contained in sections 632.480 to 632.513 shall prohibit the person from
9 otherwise petitioning the court for release. The director of the department of mental health shall
10 provide the committed person who has not been conditionally released with an annual written
11 notice of the person's right to petition the court for release over the director's objection. The
12 notice shall contain a waiver of rights. The director shall forward the notice and waiver form to
13 the court with the annual report.

14 3. If the committed person petitions the court for conditional release over the director's
15 objection, the petition shall be served upon the court that committed the person, the **prosecuting**
16 **attorney of the jurisdiction into which the committed person is to be released**, the director
17 of the department of mental health, the head of the facility housing the person, and the attorney
18 general.

19 4. The committed person shall have a right to have an attorney represent the person at
20 the hearing but the person is not entitled to be present at the hearing. If the court at the hearing
21 determines by a preponderance of the evidence that the person no longer suffers from a mental
22 abnormality that makes the person likely to engage in acts of sexual violence if released, then the
23 court shall set a trial on the issue.

24 5. The trial shall be governed by the following provisions:

25 (1) The committed person shall be entitled to be present and entitled to the benefit of all
26 constitutional protections that were afforded the person at the initial commitment proceeding;

27 (2) The attorney general shall represent the state and shall have a right to a jury trial and
28 to have the committed person evaluated by a psychiatrist or psychologist not employed by the
29 department of mental health or the department of corrections. In addition, the person may be
30 examined by a consenting psychiatrist or psychologist of the person's choice at the person's own
31 expense;

32 (3) The burden of proof at the trial shall be upon the state to prove by clear and
33 convincing evidence that the committed person's mental abnormality remains such that the
34 person is not safe to be at large and if released is likely to engage in acts of sexual violence. If
35 such determination is made by a jury, the verdict must be unanimous;

36 (4) If the court or jury finds that the person's mental abnormality remains such that the
37 person is not safe to be at large and if released is likely to engage in acts of sexual violence, the
38 person shall remain in the custody of the department of mental health in a secure facility
39 designated by the director of the department of mental health. If the court or jury finds that the
40 person's mental abnormality has so changed that the person is not likely to commit acts of sexual
41 violence if released, the person shall be conditionally released as provided in section 632.505.

632.505. 1. Upon determination by a court or jury that the person's mental abnormality
2 has so changed that the person is not likely to commit acts of sexual violence if released, the
3 court shall place the person on conditional release pursuant to the terms of this section. The
4 primary purpose of conditional release is to provide outpatient treatment and monitoring to
5 prevent the person's condition from deteriorating to the degree that the person would need to be
6 returned to a secure facility designated by the director of the department of mental health.

7 2. The department of mental health is authorized to enter into an interagency agreement
8 with the department of corrections for the supervision of persons granted a conditional release
9 by the court. In conjunction with the department of corrections, the department of mental health
10 shall develop a conditional release plan which contains appropriate conditions for the person to
11 be released. The plan shall address the person's need for supervision, counseling, medication,
12 community support services, residential services, vocational services, and alcohol and drug
13 treatment. The department of mental health shall submit the proposed plan for conditional
14 release to the court.

15 3. The court shall review the plan and determine the conditions that it deems necessary
16 to meet the person's need for treatment and supervision and to protect the safety of the public.
17 The court shall order that the person shall be subject to the following conditions and other
18 conditions as deemed necessary:

19 (1) Maintain a residence approved by the department of mental health and not change
20 residence unless approved by the department of mental health;

21 (2) Maintain employment unless engaged in other structured activity approved by the
22 department of mental health;

23 (3) Obey all federal and state laws;

- 24 (4) Not possess a firearm or dangerous weapon;
- 25 (5) Not be employed or voluntarily participate in an activity that involves contact with
- 26 children without approval of the department of mental health;
- 27 (6) Not consume alcohol or use a controlled substance except as prescribed by a treating
- 28 physician and to submit, upon request, to any procedure designed to test for alcohol or controlled
- 29 substance use;
- 30 (7) Not associate with any person who has been convicted of a felony unless approved
- 31 by the department of mental health;
- 32 (8) Not leave the state without permission of the department of mental health;
- 33 (9) Not have contact with specific persons, including but not limited to, the victim or
- 34 victim's family, as directed by the department of mental health;
- 35 (10) Not have any contact with any child without specific approval by the department
- 36 of mental health;
- 37 (11) Not possess material that is pornographic, sexually oriented, or sexually stimulating;
- 38 (12) Not enter a business providing sexually stimulating or sexually oriented
- 39 entertainment;
- 40 (13) Submit to a polygraph, plethysmograph, or other electronic or behavioral
- 41 monitoring or assessment;
- 42 (14) Submit to electronic monitoring which may be based on a global positioning system
- 43 or other technology which identifies and records a person's location at all times;
- 44 (15) Attend and fully participate in assessment and treatment as directed by the
- 45 department of mental health;
- 46 (16) Take all psychiatric medications as prescribed by a treating physician;
- 47 (17) Authorize the department of mental health to access and obtain copies of
- 48 confidential records pertaining to evaluation, counseling, treatment, and other such records and
- 49 provide the consent necessary for the release of any such records;
- 50 (18) Pay fees to the department of mental health and the department of corrections to
- 51 cover the costs of services and monitoring;
- 52 (19) Report to or appear in person as directed by the department of mental health and the
- 53 department of corrections, and to follow all directives of such departments;
- 54 (20) Comply with any registration requirements under sections 589.400 to 589.425; and
- 55 (21) Comply with any other conditions that the court determines to be in the best interest
- 56 of the person and society.
- 57 4. The court shall provide a copy of the order containing the conditions of release to the
- 58 person, the attorney general, the department of mental health, the head of the facility housing the
- 59 person, and the department of corrections.

60 5. A person who is conditionally released and supervised by a probation and parole
61 officer employed by the department of corrections remains under the control, care, and treatment
62 of the department of mental health.

63 6. The court may modify conditions of release upon its own motion or upon the petition
64 of the department of mental health, the department of corrections, or the person on conditional
65 release.

66 7. The following provisions shall apply to violations of conditional release:

67 (1) If any probation and parole officer has reasonable cause to believe that a person on
68 conditional release has violated a condition of release or that the person is no longer a proper
69 subject for conditional release, the officer may issue a warrant for the person's arrest. The
70 warrant shall contain a brief recitation of the facts supporting the officer's belief. The warrant
71 shall direct any peace officer to take the person into custody immediately so that the person can
72 be returned to a secure facility;

73 (2) If the director of the department of mental health or the director's designee has
74 reasonable cause to believe that a person on conditional release has violated a condition of
75 release or that the person is no longer a proper subject for conditional release, the director or the
76 director's designee may request that a peace officer take the person into custody immediately, or
77 request that a probation and parole officer or the court which ordered the release issue a warrant
78 for the person's arrest so that the person can be returned to a secure facility;

79 (3) At any time during the period of a conditional release, the court which ordered the
80 release may issue a notice to the released person to appear to answer a charge of a violation of
81 the terms of the release and the court may issue a warrant of arrest for the violation. Such notice
82 shall be personally served upon the released person. The warrant shall authorize the return of
83 the released person to the custody of the court or to the custody of the director of mental health
84 or the director's designee;

85 (4) No peace officer responsible for apprehending and returning the person to the facility
86 upon the request of the director of the department of mental health or the director's designee or
87 a probation and parole officer shall be civilly liable for apprehending or transporting such person
88 to the facility so long as such duties were performed in good faith and without negligence;

89 (5) The department of mental health shall promptly notify the court that the person has
90 been apprehended and returned to a secure facility;

91 (6) Within seven days of the person's return to a secure facility, the department of mental
92 health must either request that the attorney general file a petition to revoke the person's
93 conditional release or continue the person on conditional release;

94 (7) If a petition to revoke conditional release is filed, the person shall remain in custody
95 until a hearing is held on the petition. The hearing shall be given priority on the court's docket.
96 If upon hearing the evidence, the court finds by preponderance of the evidence that the person
97 has violated a condition of release and that the violation of the condition was sufficient to render

the person no longer suitable for conditional release, the court shall revoke the conditional release and order the person returned to a secure facility designated by the director of the department of mental health. If the court determines that revocation is not required, the court may modify or increase the conditions of release or order the person's release on the existing conditions of release;

(8) A person whose conditional release has been revoked may petition the court for subsequent release pursuant to sections 632.498, 632.501, and 632.504 no sooner than six months after the person's return to a secure facility.

8. The department of mental health may enter into agreements with the department of corrections and other departments and may enter into contracts with private entities for the purpose of supervising a person on conditional release.

9. The department of mental health and the department of corrections may require a person on conditional release to pay a reasonable fee to cover the costs of providing services and monitoring while the person is released. Each department may adopt rules with respect to establishing, waiving, collecting, and using fees. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2006, shall be invalid and void.

10. In the event a person on conditional release escapes from custody, the department of mental health shall notify the court, the department of corrections, the attorney general, the chief law enforcement officer of the county or city not within a county from where the person escaped or absconded, and any other persons necessary to protect the safety of the public or to assist in the apprehension of the person. The attorney general shall notify victims and witnesses. Upon receiving such notice, the attorney general shall file escape from commitment charges under section 575.195.

11. When a person who has been granted conditional release under this section is being electronically monitored and remains in the county, city, town, or village where the facility is located that released the person, the department of corrections shall provide, upon request, the chief of the local law enforcement agency of such county, city, town, or village with access to the information gathered by the global positioning system or other technology used to monitor the person. This access shall include, but not be limited to, any user name or password needed to view any real-time or recorded information about the person, and any alert or message generated by the technology. The access shall continue while the person is being electronically monitored and is living in the county, city, town,

136 or village where the facility that released the offender is located. The information obtained
137 by the chief of the local law enforcement agency shall be closed and shall not be disclosed
138 to any person outside the law enforcement agency except upon an order of the court
139 supervising the conditional release.

Section 1. It is the intent of the legislature to reject and abrogate earlier case law
2 interpretations on the meaning of or definition of "sexually violent offense" to include, but
3 not be limited to, holdings in: *Robertson v. State*, 392 S.W.3d 1 (Mo. App. W.D., 2012); and
4 *State ex rel. Whitaker v. Satterfield*, 386 S.W.3d 893 (Mo. App. S.D., 2012); and all cases
5 citing, interpreting, applying, or following those cases. It is the intent of the legislature to
6 apply these provisions retroactively.

2 [478.075. Circuit number one shall consist of the counties of Clark,
3 Schuyler and Scotland.]

2 [478.077. Circuit number two shall consist of the counties of Adair,
3 Knox and Lewis.]

2 [478.080. Circuit number three shall consist of the counties of Grundy,
3 Harrison, Mercer and Putnam.]

2 [478.085. Circuit number four shall consist of the counties of Holt,
3 Atchison, Gentry, Nodaway and Worth.]

2 [478.087. Circuit number five shall consist of the counties of Buchanan
3 and Andrew.]

2 [478.090. Circuit number six shall consist of the county of Platte.]

2 [478.093. Circuit number seven shall consist of the county of Clay.]

2 [478.095. Circuit number eight shall consist of the counties of Carroll
3 and Ray.]

2 [478.097. Circuit number nine shall consist of the counties of Chariton,
3 Linn and Sullivan.]

2 [478.100. Circuit number ten shall consist of the counties of Marion,
3 Monroe and Ralls.]

2 [478.103. 1. Until August 28, 1991, circuit number eleven shall consist
3 of the counties of Lincoln, Pike and St. Charles.

4 2. Beginning August 29, 1991, circuit number eleven shall consist of the
5 county of St. Charles.]

2 [478.105. Circuit number twelve shall consist of the counties of Audrain,
3 Montgomery and Warren.]

2 [478.107. Circuit number thirteen shall consist of the counties of Boone
3 and Callaway.]

2 [478.110. Circuit number fourteen shall consist of the counties of
3 Howard and Randolph.]

2 [478.113. Circuit number fifteen shall consist of the counties of Lafayette
3 and Saline.]

2 [478.115. Circuit number sixteen shall consist of the county of Jackson.]

2 [478.117. Circuit number seventeen shall consist of the counties of Cass
3 and Johnson.]

2 [478.120. Circuit number eighteen shall consist of the counties of Cooper
3 and Pettis.]

2 [478.123. Circuit number nineteen shall consist of the county of Cole.]

2 [478.125. Circuit number twenty shall consist of the counties of Franklin,
3 Gasconade and Osage.]

2 [478.127. Circuit number twenty-one shall consist of the county of St.
3 Louis.]

2 [478.130. Circuit number twenty-two shall consist of the city of St.
3 Louis.]

2 [478.133. Circuit number twenty-three shall consist of Jefferson County.]

2 [478.135. Circuit number twenty-four shall consist of the counties of
3 Madison, St. Francois, Ste. Genevieve and Washington.]

2 [478.137. Circuit number twenty-five shall consist of the counties of
3 Maries, Phelps, Pulaski and Texas.]

2 [478.140. Circuit number twenty-six shall consist of the counties of
3 Camden, Laclede, Miller, Moniteau and Morgan.]

2 [478.143. Circuit number twenty-seven shall consist of the counties of
3 Bates, Henry and St. Clair.]

2 [478.145. Circuit number twenty-eight shall consist of the counties of
3 Barton, Cedar, Dade and Vernon.]

2 [478.147. Circuit number twenty-nine shall consist of the county of
3 Jasper.]

2 [478.150. Circuit number thirty shall consist of the counties of Benton,
3 Dallas, Hickory, Polk and Webster.]

2 [478.153. Circuit number thirty-one shall consist of the county of
3 Greene.]

2 [478.155. Circuit number thirty-two shall consist of the counties of Perry,
3 Bollinger and Cape Girardeau.]

2 [478.157. Circuit number thirty-three shall consist of the counties of
3 Mississippi and Scott.]

2 [478.160. Circuit number thirty-four shall consist of the counties of New
3 Madrid and Pemiscot.]

2 [478.163. Circuit number thirty-five shall consist of the counties of
3 Dunklin and Stoddard.]

2 [478.165. Circuit number thirty-six shall consist of the counties of Butler
3 and Ripley.]

2 [478.167. Circuit number thirty-seven shall consist of the counties of
3 Carter, Howell, Oregon and Shannon.]

2 [478.170. Circuit number thirty-eight shall consist of the counties of
3 Christian and Taney.]

2 [478.173. Circuit number thirty-nine shall consist of the counties of
3 Barry, Lawrence and Stone.]

2 [478.175. Circuit number forty shall consist of the counties of McDonald
3 and Newton.]

2 [478.177. Circuit number forty-one shall consist of the counties of
3 Macon and Shelby.]

2 [478.180. Circuit number forty-two shall consist of the counties of
3 Crawford, Dent, Iron, Reynolds and Wayne.]

2 [478.183. Circuit number forty-three shall consist of the counties of
3 Clinton, Caldwell, Daviess, Livingston, and DeKalb.]

2 [478.185. Circuit number forty-four shall consist of the counties of
3 Douglas, Ozark, and Wright.]

2 [478.186. 1. Beginning August 29, 1991, circuit number forty-five shall
3 consist of the counties of Lincoln and Pike.

3 2. The circuit court judge who sat in division three of the eleventh
4 judicial circuit on August 28, 1991, shall beginning August 29, 1991, be the
5 circuit judge of the forty-fifth judicial circuit and shall hold office for the
6 remainder of the term to which he was elected or appointed, and until his
7 successor is elected and qualified.]

Section B. The repeal of sections 478.075, 478.077, 478.080, 478.085, 478.087, 478.090,
2 478.093, 478.095, 478.097, 478.100, 478.103, 478.105, 478.107, 478.110, 478.113, 478.115,
3 478.117, 478.120, 478.123, 478.125, 478.127, 478.130, 478.133, 478.135, 478.137, 478.140,
4 478.143, 478.145, 478.147, 478.150, 478.153, 478.155, 478.157, 478.160, 478.163, 478.165,
5 478.167, 478.170, 478.173, 478.175, 478.177, 478.180, 478.183, 478.185, 478.186, and the
6 repeal and reenactment of section 487.010 shall become effective December 31, 2020.

✓